

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
NO. 4:15-CR-2-BO

FILED IN OPEN COURT
ON 8/23/2017 W
Peter A. Moore, Jr., Clerk
US District Court
Eastern District of NC

UNITED STATES OF AMERICA :
 :
 v. :
 :
 JOSEPH HOWARD WILLIAMS :

CONSENSUAL PRELIMINARY ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of a Memorandum of Plea Agreement by the defendant on December 12, 2016, whereby the defendant agreed to the forfeiture, the Court finds that the following property is hereby forfeitable pursuant to 16 U.S.C. § 3374, made applicable to this proceeding by virtue of 28 U.S.C. § 2461(c), to wit:

- a. The vessel 'JOANN B," a commercial stern trawler, USCG documentation number 508901, NOAA permit number 320166, owned by Jo Ann B, Inc., 16 Seventh Street, Brunswick, GA 31520;
- b. All gear, electronics, and other harvesting and sorting equipment on the foregoing vessel; and
- c. All fish harvested illegally, specifically pounds of fish as described in Count 1 of the Criminal Indictment.

WHEREAS, by virtue of said Memorandum of Plea Agreement and the defendant's agreement therein, the United States is now entitled to possession of said property pursuant to 16 U.S.C. § 3374 and Fed. R. Crim. P. 32.2(b)(3); and

WHEREAS, the United States and the defendant have agreed that the United State Marshal shall have an appraisal made of the forfeited vessel within ^{60 NWM JNW} ~~30~~ days of the date of this Order for the purpose of determining the fair market value of the vessel and, having informed the defendant of the value, the defendant shall have the option of paying the fair market value to the United States by certified funds within ^{60 NWM JNW} ~~30~~ days of such notification, allowing the funds to be forfeited in lieu of the vessel and the vessel to be returned to the defendant or his authorized representative, at his cost, in its "as is" condition;

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Memorandum of Plea Agreement as to the defendant, Joseph Howard Williams, the United States is hereby authorized to seize the above-stated property, including but not limited to the vessel or the funds substituted therefore, and it is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n), as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A),

this Order is now final as to the defendant.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B).

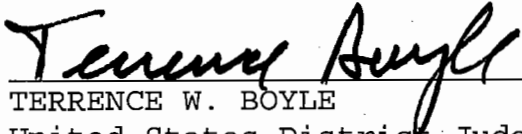
3. That pursuant to 21 U.S.C. § 853(n), if appropriate, the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General or the Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 16 U.S.C. § 3374 and 28 U.S.C. § 2461(c), as required by Fed. R.

Crim. P. 32.2(c)(2), or, if neither publication nor other notice is deemed required, this Order shall be deemed the Final Order of Forfeiture and all right, title, or interest in the subject property shall be deemed vested in the United States.

SO ORDERED. This 23 day of August, 2017.


TERRENCE W. BOYLE
United States District Judge